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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 DEAN BEAVER, et al.,

11 Plaintiffs,

12 vs.

13 TARSADIA HOTELS, et als.,

14 Defendants.

CASE NO. 11cv1842 GPC(KSC)

**ORDER RE: JOINT MOTION
REGARDING LIEN**

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16 On September 15, 2017, the Court held a hearing on Plaintiffs' motion for final
17 approval of class action settlement. (Dkt. No. 307.) At the hearing, third party
18 Defendant Greenberg Traurig LLP raised an issue regarding the lien filed in this case
19 and the Court directed the parties to either submit a stipulation or provide further
20 briefing. (Dkt. No. 308 at 11.) On August 1, 2017, Tarsadia Defendants filed a notice
21 of lien as to class members Ray Hammi and Frank Issa based on a money judgment
22 entered in the case of 5th & K Parcel 2 Owners' Association, Inc. v. Salameh, in San
23 Diego Superior Court in the amount of \$3,524,959.00. (Dkt. Nos. 281, 281-1.)


24 On September 19, 2017, the parties filed a joint motion regarding lien. (Dkt. No.
25 309.) The joint motion requests "that the Court order that the Tarsadia Defendants and
26 third party defendant Greenberg Traurig (and Greenberg Traurig's insurers) are
27 released and absolved from any duty or responsibility to honor the Lien, so they will
28 not incur or have any liability in connection with the Lien by complying with their
anticipated payment obligations under the Settlement." (Dkt. No. 309 at 3.) Further,

1 “[o]nce those payments are made pursuant to the Settlement, all obligations under the
2 Lien will rest exclusively with the Settlement Administrator.” (Id.)

3 Based on the language in the proposed order, it is unclear whether Tarsadia
4 Defendants, the filer of the notice of lien, seek to release the lien completely or are
5 seeking to transfer responsibility and/or liability to the Settlement Administrator. If so,
6 then it is not clear why Tarsadia Defendants seek to be “released and absolved from
7 any duty or responsibility to honor the Lien.” Moreover, the Court notes that the joint
8 motion regarding lien, that will affect the rights of Frank Issa and Ray Hammi under
9 the settlement, was not served on them. The parties shall submit additional
10 information and legal authority, if any, for the Court concerning the parties’ joint
11 motion and the issues identified herein above on or before **September 26, 2017.**

12 IT IS SO ORDERED.

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14 DATED: September 20, 2017

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16 HON. GONZALO P. CURIEL
17 United States District Judge
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